



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/688,394

10/17/2003

Darren Saravis

70288.020600

1352

33717

7590

03/25/2008

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

03/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,394	Applicant(s) SARAVIS, DARREN	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13, 14, 16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-14, 16, 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/11/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11, 13-14, 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since claim 11, line 2-3 recited each structural element comprising an elongated member, the recitation on line 14 of "an elongated member" is vague and indefinite for failing to clearly define whether it is one of the elongated members recited on line 2-3 or not. Should it is one of said elongated members, then "an elongated member" should be "one of said elongated members".

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 11, 13-14, 16, and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 3,856,147 to Piretti in view of USP 3,288,301 to Kent et al, USP 4,253,268 to Mayr, and USP 5,466,057 to Blankenburg.

Piretti discloses a snap together connection system comprising all the elements recited in the above listed claims including, such as shown in Fig 4, a plurality of corner covers each having a latch with an enlarged head 6, an elongated catch with flexible slot walls 3 formed thereon, wherein the elongated catch and latch extend at a fixed angle relative to each other; through which the first corner cover and the second corner cover are connected together by snapping the elongated latch of either the first corner cover or the second corner cover into the elongated catch of the other cover corner; wherein the corner covers are made of a metallic material; wherein figures 3 and 6 show a plurality of structural elements connected to each other forming a 4-sided arrangement. The differences being that Piretti does not disclose the catch of the first corner cover snaps into engagement with the latch of the second corner cover in the transverse direction of the elongated deformable slot walls of said catch, and the panel

cover further comprising mounting guides having at least one elongated cavity to receive an end of an elongated member.

However, Kent et al teaches that it is well known in the art to make a connector from either a metallic or plastic material; further, it is inherent that with the connector being made of a plastic material, the catch walls would be easily deformable. Mayr further teaches that it is well known in the art to have a connector being made of a plastic material; wherein the connector comprises a latch and catch connection; wherein the catch of a first panel snaps into engagement with the latch of a second panel in the transverse direction of the deformable slot walls of said catch for the purpose of providing an easy engagement/disengagement between the catch of the first panel to the latch of the second panel. Blankenburg teaches the idea of providing a panel cover 30 with mounting guides having at least one elongated cavity to receive an end of an elongated member, such as shown in Fig 12, in order to enable the length or depth of the apparatus to be doubled by connecting the panel covers 30 in a length-wise extension. Therefore, it would have been obvious to modify the structure of Piretti by having the corner cover being made of a plastic material such that the catch walls would be easily deformable, as taught by Kent et al, and since the corner cover being made of a plastic material, it would have been obvious that the catch of the first corner cover of Piretti, as modified, can snap into engagement with the latch of the second corner cover in the transverse direction of the deformable slot walls of the catch for the purpose of providing an easy engagement/disengagement between the latch and catch of the first corner cover and the second corner cover, as taught by Mayr, and the panel cover

further comprising mounting guides having at least one elongated cavity to receive an end of an elongated member in order to enable the length or depth of the snap together arrangement to be doubled by connecting the panel covers in a length-wise extension, since the references each teach alternate conventional panel connection structure, used for the same intended purpose of connecting one panel to another, thereby providing structure as claimed.

Response to Arguments

7. Applicant's arguments filed 2/11/2008 have been fully considered but they are not persuasive. In response to applicant's argument on page 4 that Piretti fails to provide any motivation for an elongated member extending between adjacent corners, the examiner respectfully would like to point out that Piretti is the primary reference and that the motivation to modify a reference is stemmed from the teaching of a secondary reference, not the primary reference.

8. In response to applicant's argument on page 5 that Blankenburg fails to disclose the claimed limitation of the catch of the first corner cover snaps into engagement with the latch of the second corner cover, the examiner respectfully would like to point out that above rejection clearly stated that Blankenburg is used for the teaching of a corner cover having an elongated member cavity to receive an end of an elongated member.

9. In response to applicant's argument on page 6 that the elongated cavity of Blankenburg is to receive a panel, not an end of an elongated member, the examiner respectfully takes the position that the claimed language fails to provide adequate structural limitation in describing applicant's elongated member, and a rectangular-

shaped panel would meet the definition of the claimed language of an elongated member.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT
March 17, 2008

/Hanh V. Tran/
Art Unit 3637